

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

H Katz

Plaintiff,

-against-

Joe R Mous

All That Glitter Inc.

Defendant(s).

06-cv-574 (PLD)

NOTICE OF MOTION

06-cv-~~574~~

[docket number] [judge's initials]  
x 06cv05474 D.L. I rec'd

PLEASE TAKE NOTICE that upon the annexed affidavit or affirmation Joe R Mous sworn to or affirmed

6/22/2006, 2006 and upon the complaint herein,  
Joe R Mous plaintiff will move this Court, Honorable Dennis L. Cacciatore (Judge's name) U.S.D.J.,

in room 122 United States Courthouse, Brooklyn, New York, 11201,

on the 122 day of June, 2006, at (time) or as

soon thereafter as Self counsel can be heard, for an order pursuant to Rule of the Federal Rules of Civil Procedure granting

by motion for a dismissal of the case

06-cv-05474 - Katz vs Joe R Mous

6/22/2006

Dated: 1 County, New York  
Morgan, West Virginia

[date]

6/22/06

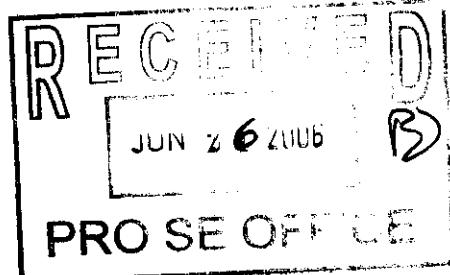
All That Glitter Inc

Joe R Mous  
Joe R Mous

PLAINTIFF PRO SE

mailing - PO Box 602  
Crow Junction, Va.  
22625

304-258-41247



OR:

WHEREFORE, I respectfully request that the court grant the  
within motion, as well as such other and further relief that may  
be just and proper.

I declare under penalty of perjury that the foregoing is true and  
correct.

6/22/06  
Executed on        (Date)  
June 22/2006

Joe R Magus  
Your Signature

Print your name

Joe R Magus

Today I am now asking this honorable court to dismiss the entire case brought by plaintiff Howard Katz vs. AllThatGlitters /Joe R. Mogus, Cv06-05474. I am asking this as new information has come to light , today, 6/21/06 .

Today , during a phone conversation involving myself , Magistrate Judge Orenstein , and plaintiff's attorney Mr. Shmuel Klein, Mr. Klein disclosed that ,(exhibit enclosed ) the statement regarding the defendants residence was in fact in error , a typographical error , he said ,I quote" a typo " As made clear to this court previously the defendant ,All That Glitters /Joe R Mogus has not lived , worked , held a bussiness license , owned property , or even been in New York State in many years , this also absolutely clear to Mr. Klein , in that his office has addressed numerous correspondence , and a summons and none to a New York address . I would think his "typo"would have become glaringly obvious and it was then incumbent upon him to notify this court of his error before we ever reached this stage ! At any rate accepting Mr.Klein at his word this being an error ,( his confusing New York with West Virginia )I submit to the court that it was then also in error for any aspect of this case to be brought before this honorable court , Eastern District , New York, the predicate of this venue now being an admitted error , consequently am now asking the entire case be dismissed. As the court is aware am a pro se ' defendant consequently not familiar with court protocol or law so i can only state this in plain English as i see it . The plaintiff will not be precluded from his just due , the case simply refiled in the appropriate venue and this time error free . Mr Klein now not mistaking residence. I thank the court for consideration in this issue and also for consideration in that am a pro se ' defendant.

Sincerely  
Joe R Mogus  
Joe R Mogus

P.S. I must add after reading, in that this "typo" is a serious error I think a full explanation regarding how it could have occurred and continued is due the court and myself !

Thank You  
Joe Mogus

One  
Exhibit

4. Plaintiff also asserts actions under states' laws, which may be brought within the supplemental jurisdiction of this Court, and Plaintiff respectfully requests that this Honorable Court exercise supplemental jurisdiction over said claims. 28 U.S.C. 1337.
5. Venue is proper in this District as the Defendant resides in this judicial district. 28 U.S.C. 1339 (b), et. seq.
6. Plaintiff requests a trial by jury.
7. Over the past six years Defendant did request and receive from Plaintiff, various items of gold jewelry for the purpose of inspection and to show to Defendant's customers.
8. Said jewelry was often sold and Defendant would pay Plaintiff for the sold items, however, numerous items of jewelry remained with Defendant.
9. Plaintiff did demand that Defendant pay for the outstanding items and at the time of this complaint, the total sum due was \$151,000.00, exclusive of any adjustment in the market fluctuations of the price of gold.
10. Defendant promised to pay the outstanding balance and did make periodic payments from time to time.
11. Demand for payment has been made by Plaintiff upon defendant and defendant has refused to pay.

**COUNT TWO**

12. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this complaint in Count One with the same force and effect as if herein fully set forth.
13. Said sum due to plaintiff constitutes an account stated.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

H Katz  
Plaintiff,  
-against- Joe R Mosus  
All That Glitter Inc  
Defendants.

Affirmation of Service  
06 CV 574  
cv ( )

I, Joe R Mosus, declare under penalty of perjury that I have served a copy of the attached Notice of Motion and Affirmation/Affidavit in support upon Attorney  
Shmuel Klein (Plaintiff Attorney)  
whose address is Office Shmuel Klein P.C.

268 Route 59

Spring Valley New York 10577

Dated: 6/22/06  
New York

Berkeley Springs  
West Virginia  
25411

Joe R Mosus  
Signature

PO Box 602

Address

Cross Junction Va  
City, State & Zip Code 22625

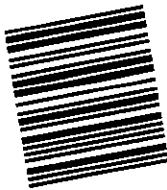
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4059 4972 E 0000 0000 5005 3110

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U.S. POSTAL SERVICE  
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MAILING INFORMATION

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Special Contract  
Contractor  
District Planes East

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Special Contract  
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